

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

FMTB BH LLC,

Debtor.

-----X

FMTB BH LLC,

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS  
AVENUE LLC, 700 BECK STREET LLC, 1143  
FOREST AVENUE LLC, and 1821 TOPPING  
AVENUE LLC,

Defendants.

-----X

**ADVERSARY PROCEEDING  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

**Chapter 11**

**Case No. 18-42228-CEC**

Adv. Pro No. 18-01052 (CEC)

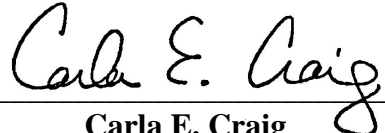
This Adversary Proceeding Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. This case is not to be tried to a jury.
2. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by October 15, 2018.
3. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by October 1, 2018.
4. **Fact Discovery**
  - a. All fact discovery shall be completed by December 14, 2018.
  - b. Initial requests for production of documents shall be served by October 5, 2018.

- c. Interrogatories, if any, shall be served by October 5, 2018.
  - d. Non-expert depositions shall be completed by December 14, 2018.
  - e. Requests to admit shall be served by December 3, 2018.
  - f. Any of the interim deadlines in paragraphs 4(b) through 5(c) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 4(a).
- 5. Additional provisions agreed upon by the parties are attached hereto and made a part hereof.
  - 6. **ALL DISCOVERY SHALL BE COMPLETED BY December 14, 2018.**
  - 7. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
  - 8. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
  - 9. The parties have conferred and their present best estimate of the length of the trial is two to three days.
  - 10. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court. (except as provided in paragraphs 4(f) and 5(d) above).
  - 11. The next case management conference is scheduled for November 7, 2018 at 2:30 p.m.

**Dated: Brooklyn, New York  
October 5, 2018**



  
\_\_\_\_\_  
Carla E. Craig  
United States Bankruptcy Judge